

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Michael Kovacs, et al.

Appl. No.: 10/772,613

Confirm. No.: 5069

Filed: February 5, 2004

Title: SYSTEM AND METHOD FOR MANIPULATING ENTERPRISE  
APPLICATION DEPLOYMENT DESCRIPTORS

PATENT APPLICATION

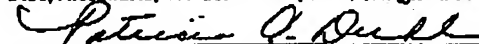
Art Unit: 2174

Examiner: Muhebbullah, Sajeda

Customer No. 23910

CERTIFICATE OF TRANSMISSION/MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.



Patricia A. Diehl

Signature Date: October 15, 2007

REQUEST FOR REFUND OF EXCESS FEES PAID UNDER 37 C.F.R. 1.26

Mail Stop 16  
Director of the US Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In connection with the above-identified patent application, on September 28, 2007, Applicants electronically-filed a Request for Refund of Excess Fees Paid under 37 C.F.R. 1.26 (Attachment A). The Refund request was for \$200.00 erroneously charged on September 6, 2007 when a response to Office Action adding 1 new dependent claim was filed with the USPTO. The Request for Refund was received by the United States Patent & Trademark Office on September 28, 2007 (copy of USPTO-Patent Electronic Filing Acknowledgment Receipt attached as Attachment B).

On October 8, 2007, a routine review of the Deposit Account Statement for Deposit Account No. 06-1325, in the name of Fliesler Meyer LLP, revealed that on October 5, 2007, \$50.00 had been credited

- 1 -

Attorney Docket No.: BEAS-01301US1  
M:\tlu\wp\BEAS\1300-1350\1301US1\Request for Refund2.wpd

to the above deposit account, instead of the \$200.00 that was erroneously charged on September 6, 2007. (Copy of Deposit Account Statement attached as Attachment C). The \$50.00 should not have been credited back to this deposit account as it was a valid charge for 1 claim in excess of 20 claims.

Pursuant to 37 C.F.R. § 1.26(b), Applicants respectfully request a refund of the \$200.00 fee erroneously charged to Deposit Account No. 06-1325. A copy of the Deposit Account Statement for said Deposit Account showing the entry deducting the \$200.00 charge is attached with the original Request for Refund filed on September 28, 2007, a copy of which is attached hereto as Attachment A. Applicant also respectfully requests that the \$50.00 credit, shown in Attachment C, be reversed as this amount is a valid charge for 1 claim in excess of 20 claims.

\$250.00

Pursuant to 37 C.F.R. § 1.26(b) this request for refund is being submitted within two years from the date the above erroneous charge was deducted from Deposit Account No. 06-1325 identified above.

Please credit the above refund to Deposit Account No. 06-1325.

Respectfully submitted,

Date:

10/15/2007

By:

Kuiran (Ted) Liu  
Reg. No. 60,039

FLIESLER MEYER LLP  
650 California Street, Fourteenth Floor  
San Francisco, California 94108  
Telephone: (415) 362-3800  
Customer No. 23910

- 2 -

Attorney Docket No.: BEAS-01301US1  
M:/dlu/wp/BBAS/1300-1350/1301US1/Request for Refund2.wpd

Document code: WFEE

United States Patent and Trademark Office  
Sales Receipt for Accounting Date: 09/06/2007

SMORELAN SALE #00000004 Mailroom Dt: 08/27/2007 061325 10772613  
01 FC : 1201 200.00 DA

Adjustment Date: 10/26/2007 MGE BREM1  
09/06/2007 SMORELAN 00000004 061325 10772613  
01 FC:1201 200.00 CR

# **ATTACHMENT A**

# COPY

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

### In re Application

Inventor(s): Michael Kovacs

Appl. No.: 10/772,613

Confirm. No.: 5069

Filed: February 5, 2004

Title: SYSTEM AND METHOD FOR MANIPULATING ENTERPRISE  
APPLICATION DEPLOYMENT DESCRIPTORS

### PATENT APPLICATION

Art Unit: 2174

Examiner: Muhcbbullah, Sajeda

Customer No. 23910

## REQUEST FOR REFUND OF EXCESS FEES PAID UNDER 37 C.F.R. 1.26

Mail Stop 16  
Director of the US Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In connection with the above-identified patent application, on August 27, 2007, Applicants timely electronically-filed their Response Under 37 C.F.R. §1.111 to the Office Action dated June 18, 2007. The Response was received by the United States Patent & Trademark Office on August 27, 2007 (copy of USPTO-Patent Electronic Filing Acknowledgment Receipt attached).

In Applicants' Response, one New dependent claim was added to the listing of claims. Applicants paid the required excess claims fee in the amount of \$50.00 (large entity) by charging said fee to Deposit Account No. 06-1325.

On September 14, 2007, a routine review of the Deposit Account Statement for Deposit Account No. 06-1325, in the name of Fliesler Meyer LLP, revealed that on September 6, 2007, the above \$50.00 charge had been deducted from the Deposit account, along with an additional \$200.00 charged to the application number above.

- 1 -

Attorney Docket No.: BEAS-01301US1  
M:\tlw\wp\BEAS\1300-1350\1301US1\Request for Refund.wpd

A review of the USPTO Patent Application Information Retrieval (PAIR) Image File Wrapper for the above application showed that the additional New claim was erroneously charged as an Independent claim, and therefore, Deposit Account No. 06-1325 was charged an additional \$200.00. We believe this additional \$200.00 charge is in error. (Copy of the USPTO Patent Application Fee Determination Record for Application No. 10/772,613 showing the erroneous charge is attached).

Pursuant to 37 C.F.R. § 1.26(b), Applicants respectfully request a refund of the \$200.00 fee erroneously charged to Deposit Account No. 06-1325. A copy of the Deposit Account Statement for said Deposit Account showing the entry deducting the \$200.00 charge is attached.

Pursuant to 37 C.F.R. § 1.26(b) this request for refund is being submitted within two years from the date the above erroneous charge was deducted from Deposit Account No. 06-1325 identified above.

Please credit the above refund to Deposit Account No. 06-1325.

Respectfully submitted,

Date: 09-28-07

By: /Kuiran (Ted) Liu/  
Kuiran (Ted) Liu  
Reg. No. 60,039

FLIESLER MEYER LLP  
650 California Street, Fourteenth Floor  
San Francisco, California 94108  
Telephone: (415) 362-3800  
Customer No. 23910

- 2 -

Attorney Docket No.: BEAS-01301US1  
M:\liu\wp\BEAS\1300-1350\1301US1\Request for Refund.wpd

**COPY****Acknowledgement Receipt**

The USPTO has received your submission at 19:20:58 Eastern Time on 27-AUG-2007 by Deposit Account: 061325.

\$ 50 fee paid by e-File via RAM with Confirmation Number: 3487.

You have also pre-authorized the following payments from your USPTO Deposit Account:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17

**eFiled Application Information**

EFS ID	2105832
Application Number	10772613
Confirmation Number	5069
Title	System and method for manipulating enterprise application deployment descriptors
First Named Inventor	Michael Kovacs
Customer Number or Correspondence Address	23910
Filed By	Kuiran Liu/Patricia Diehl
Attorney Docket Number	BEAS-01301US1
Filing Date	05-FEB-2004
Receipt Date	27-AUG-2007
Application Type	Utility under 35 USC 111 (a)

**Application Details**

Submitted Files	Page Count	Document Description	File Size	Warnings
1301US1-Response_to_6-18-07_OA.pdf	12		332233 bytes	◆ PASS
		<b>Document Description</b>	<b>Page Start</b>	<b>Page End</b>
		Amendment - After Non-Final Rejection	1	1
		Claims	2	9
		Applicant Arguments/Remarks Made in an Amendment	10	12
fee-info.pdf	2	Fee Worksheet (PTO-06)	8173 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

*If you need help:*

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent e-Filing.
- Send general questions about USPTO programs to the USPTO Contact Center (UCC).
- If you experience technical difficulties or problems with this application, please report them via e-mail to Electronic Business Support or call 1 800-786-9199.





United States  
Patent and  
Trademark Office

**COPY**



**Deposit Account Statement**

Requested Statement Month:	September 2007
Deposit Account Number:	061325
Name:	FLIESLER MEYER LLP
Attention:	
Street Address 1:	650 CALIFORNIA STREET, 14TH FLOOR
Street Address 2:	
City:	SAN FRANCISCO
State:	CA
Zip:	94108
Country:	UNITED STATES

## Deposit Account Statement

COPY

https://www.uspto.gov/eram/Controller.jsessionid=0000WTqpO\_5...

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09/06 5308	10271407	FXPL-01048US0	1504	\$300.00	\$7,638.44
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09/06 6	10772613	BEAS-01301US1	1202	\$50.00	\$7,388.44

Document code: WFEE

United States Patent and Trademark Office  
Sales Receipt for Accounting Date: 09/06/2007

SMORELAN SALE #00000004 Mailroom Dt: 08/27/2007 061325 10772613  
01 FC : 1201 200.00 DA

# COPY

## PATENT APPLICATION FEE DETERMINATION RECORD

Effective December 8, 2004

10/11/21/13

### CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS		
	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	27 minus 20 =	7
DEPENDENT CLAIMS	4 minus 3 =	1
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

If the difference in column 1 is less than zero, enter "0" in column 2

### CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	28 Minus	27	1
dependent	3 Minus	4	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	Minus		
dependent	Minus		
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	Minus		
dependent	Minus		
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY TYPE ☐ OR OTHER THAN SMALL ENTITY

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X\$ 25=	
X100=	
+180=	
TOTAL	

RATE	FEE
BASIC FEE	300.00
X\$50=	
X200=	
+360=	
TOTAL	

SMALL ENTITY OR OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X\$ 25=	
X100=	
+180=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$50=	50.00
X200=	200.00
+360=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$ 25=	
X100=	
+180=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$50=	
X200=	
+360=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$ 25=	
X100=	
+180=	

RATE	ADDITIONAL FEE
X\$50=	
X200=	
+360=	

## **ATTACHMENT B**

**Acknowledgement Receipt**

The USPTO has received your submission at **18:21:50 Eastern Time on 28-SEP-2007**.

No fees have been paid for this submission. Please remember to pay any required fees on time to prevent abandonment of your application.

**eFiled Application Information**

EFS ID	2259465
Application Number	10772613
Confirmation Number	5069
Title	System and method for manipulating enterprise application deployment descriptors
First Named Inventor	Michael Kovacs
Customer Number or Correspondence Address	23910
Filed By	Kuiran Liu/Patricia Diehl
Attorney Docket Number	BEAS-01301US1
Filing Date	05-FEB-2004
Receipt Date	28-SEP-2007
Application Type	Utility under 35 USC 111 (a)

**Application Details**

Submitted Files	Page Count	Document Description	File Size	Warnings
1301us1-request_for_refund.pdf	8	Refund Request	227506 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

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**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 Indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new International application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this

Acknowledgement Receipt will establish the International filing date of the application.

*If you need help:*

- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent e-Filing.*
- *Send general questions about USPTO programs to the USPTO Contact Center (UCC).*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to Electronic Business Support or call 1 800-786-9199.*

## **ATTACHMENT C**





United States  
Patent and  
Trademark Office

Deposit Account Statement

Requested Statement Month: October 2007  
 Deposit Account Number: 081325  
 Name: FLIESLER MEYER LLP  
 Attention:  
 Street Address 1: 650 CALIFORNIA STREET, 14TH FLOOR  
 Street Address 2:  
 City: SAN FRANCISCO  
 State: CA  
 Zip: 94108  
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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## Deposit Account Statement


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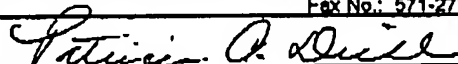
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/772,613
	Filing Date	February 6, 2004
	First Named Inventor	Michael Kovacs
	Art Unit	2174
	Examiner Name	Muhammad, Sajada
	Attorney Docket Number	BEAS-01301US1
Total Number of Pages in This Submission		18

ENCLOSURES (Check all that apply)		
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<b>Remarks</b> Attachment A: Copy of Request for Refund originally filed 9-28-07; Attachment B: Copy of USPTO Acknowledgement Receipt dated 9-28-07; and Attachment C: Copy of Deposit Account Statement for Deposit Account No. 09-1325		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Fliesler Meyer LLP		Customer No. 23910
Signature			
Printed name	Kuran (Ted) Liu		
Date	October 15, 2007	Reg. No.	60,039

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Fax No.: 571-273-6500 - Attention REFUNDS			
Signature			
Typed or printed name	Patricia A. Diehl	Date	October 15, 2007

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